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PATENT
Attorney Reference Number 23-70738-05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Douglas L. McMakin et al.

Application No. 10/697,848

Filed: October 30, 2003

Confirmation No. 9762

For: DETECTING CONCEALED OBJECTS AT
A CHECKPOINT

Examiner: Isam Alsomiri

Art Unit: 3662

Attorney Reference No. 23-70738-05

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney or Agent
for Applicant(s)

Date Mailed March 10, 2006

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

TRANSMITTAL LETTER

Enclosed for filing in the application referenced above are the following:

- ☒ Response to Restriction Requirement.
- ☒ No additional fee is required.
- ☒ Please charge any additional fees that may be required in connection with filing this Response to Restriction Requirement and any extension of time, or credit any overpayment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

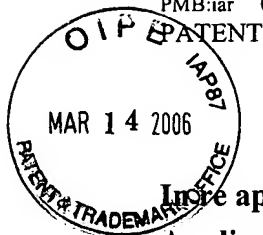
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cc: Client
Docketing



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3-10-06

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RESPONSE TO RESTRICTION REQUIREMENT

This responds to the Office action dated February 10, 2006.

In the Office action, the Examiner contends that restriction is required to one of the following groups of claims under 35 U.S.C. § 121:

- Group 1: claims 1-20, currently classified in class 342, subclass 59;
- Group 2: claims 21-26, currently classified in class 342, subclass 22.

The Examiner contends that the groups are related as subcombinations disclosed as usable together in a single combination and are distinct because they are separately usable. (Office action at pg. 2.) The Examiner thus concludes that “because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.” (Office action at pg. 2.)

Applicants provisionally elect claims 1-20 and traverse the restriction.

Class 342, subclass 59, is directed to “subject matter wherein there are two or more radar systems.” The Group 1 claims are not related to subject matter necessarily involving two or more radar systems. In fact, the preamble of claim 1 in Group 1 recites “a system.” Furthermore, FIGS. 6, 9, 11, 12 of the present application illustrate exemplary embodiments of the disclosed technology, each showing a single system. Moreover, although the respective

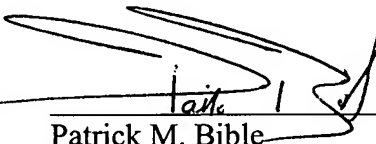
claims in Group I recite "two or more arrays," the presence of two or more arrays does not imply the existence of two or more systems.

The proposed classification of the Group 1 claims is therefore not believed to be correct. Accordingly, the Examiner has not made a proper showing that there would be a serious burden if restriction were not required. (*See* MPEP § 803.I).

All pending claims (claims 1-26) are believed to be sufficiently related such that a thorough search and examination of the entire application can be made without serious burden. Accordingly, as specified in MPEP § 803, "the Examiner must examine [all the claims of the application] on the merits, even though they include claims to independent or distinct inventions."

Respectfully submitted,

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